

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>RICHARD CLARK,</b>	:	<b>Case No. C-1-01-846</b>
	:	
Plaintiff,	:	<b>Judge Spiegel</b>
	:	
vs.	:	
	:	
<b>HAMILTON COUNTY, et al.,</b>	:	<b>PLAINTIFF'S MOTION FOR</b>
	:	<b>EXTENSION OF TIME TO FILE</b>
	:	<b>MEMORANDUM IN OPPOSITION</b>
Defendants.	:	<b>TO DEFENDANTS' MOTIONS</b>
	:	<b><u>FOR SUMMARY JUDGMENT</u></b>

**MOTION**

Comes now the Plaintiff, by and through counsel, and pursuant to Local Rule 7.3 of the Local Rules of the United States District Court for the Southern District of Ohio, respectfully moves this Court for four (4) day extension until Friday, February 6, 2004 to file a memorandum in opposition to the motions for summary judgment filed by defendants Correctional Medical Services ("CMS") and Helen Kohn (Doc 15) and Hamilton County and Simon Leis, Jr. (Doc. 28). Counsel for defendants CMS and Kohn has indicated that he has no objection to the requested extension. Counsel for defendants Hamilton County and Leis was contacted but had not yet responded as of the filing of this motion. The grounds for this motion are more fully set forth in the following memorandum in support.

**Memorandum in Support**

Plaintiff's response to the defendants' motion for summary judgment is currently due on Monday, February 02, 2004. Despite the exercise of due diligence, the plaintiff will be unable to meet that deadline and requests an extension until Friday, February 6, 2004. This extension is not for the purpose of delay and is required to permit counsel to adequately prepare their memorandum in opposition to the defendants' motion. This extension is necessitated by two

factors. The court had set a discovery cut-off of January 15, 2003 to permit plaintiff to complete discovery and take the deposition of defendant Kohn. (Doc. 30). The parties were not able to arrange the deposition of defendant Kohn until January 19, 2004. The second factor is that trial counsel Gerhardstein is currently out of town. Computer problems have prevented attorneys for plaintiff from exchanging drafts of the brief as anticipated.

As noted above, counsel for defendants CMS and Kohn does not object to this extension. There is not currently a trial date set in this matter, so this extension will have no impact in that regard. For good cause shown the plaintiff respectfully requests that the Court grant plaintiff until Friday, February 6, 2004 by which to file their memorandum in opposition to defendants' motions for summary judgment. (Doc. 15, 28).

**Respectfully submitted,**

s/ Paul M. Laufman  
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**CERTIFICATE OF SERVICE**

I here by certify that on February 2, 2004, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Paul M. Laufman